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IT IS SO ORDERED.

Dated: February 05, 2009




Pat E. Morgenstern-Clarren
United States Bankruptcy Judge

200734890
(ncd)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AT CLEVELAND

IN RE:

Mozella P. Thomas

Debtor

Case No. 07-15301

Chapter 13

Judge Morgenstern-Clarren

**AGREED ORDER FOR RELIEF FROM
STAY OF U.S. BANK N.A.
(PROPERTY ADDRESS: 1473 EAST
109TH STREET, CLEVELAND, OHIO
44106)**

This matter came to be considered on the Motion for Relief from Stay (the "Motion") filed by U.S. Bank N.A. ("Movant").

Movant has alleged that good cause exists for granting the Motion and that Debtor, counsel for Debtor, the Chapter 13 Trustee, and all other necessary parties were served with this Motion and with notice of the hearing date for this Motion; and

The parties have entered into an agreement resolving the Motion, **the terms of which are set forth as follows:** The post-petition arrearage due as of January 19, 2009, is \$2,798.88, which amount consists of 4 payments (10/08 through 01/09) at \$790.94 each, 4 late charges (10/08 through 01/09) at \$28.73 each, and less suspense balance of \$719.80.

In order to cure the remaining post-petition arrearage, Debtor agrees to make the following lump sum payments to Movant in the form of certified funds on or before the dates specified herein as follows:

- a. \$466.48 on or before 02/20/09;
- b. \$466.48 on or before 03/20/09;
- c. \$466.48 on or before 04/20/09;
- d. \$466.48 on or before 05/20/09;
- e. \$466.48 on or before 06/20/09; and
- f. \$466.48 on or before 07/20/09.

Said lump sum payments are in addition to the regular monthly mortgage payments due and owing for said months. All payments shall be tendered to:

U.S. Bank Home Mortgage
4801 Frederica Street
Owensboro, KY 42301

This payment address is subject to change.

Failure by the Debtor to make any payment described above shall constitute a default.

IT IS THEREFORE, ORDERED:

1. The Debtor shall maintain regular monthly post-petition payments to Movant outside the Chapter 13 plan beginning with a payment due 02/01/09. Failure by the Debtor to make any payment within **15** days of the date due shall constitute a default.

2. Upon the existence of a default, Movant's counsel may send Debtor and counsel for Debtor a 10-day notice of Movant's intent to file an affidavit and proposed order granting relief from stay.

3. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Movant attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code with respect to Movant, its successors and assigns. **The only ground for objection to such an Order shall be that payments were timely made.**

The parties agree to amend the order if it is discovered the debtor made payments that were not credited, and if the Creditor acknowledges such payments.

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SUBMITTED BY:

/s/ Steven H. Patterson
Steven H. Patterson, Case Attorney
LERNER, SAMPSON & ROTHFUSS
Ohio Supreme Court #0073452
Romi T. Fox, Attorney
Ohio Supreme Court #0037174
A Legal Professional Assoc.
P.O. Box 5480
Cincinnati, Ohio 45201-5480
(513) 241-3100 ext. 3373
(513) 354-6464 fax
nohbk@lsrlaw.com

Attorneys for Movant,
U.S. Bank N.A.

/s/ Alexander V. Sarady
Alexander V. Sarady, Case Attorney
Ohio Supreme Court # 0075500
Rauser & Associates
614 W. Superior Avenue, #950
Cleveland, Ohio 44113
(216)263-6200
mresar@ohiolegalclinic.com

Attorney for Debtor(s),
Mozella P. Thomas

COPIES TO:

National Check Bureau
10625 Techwood Circle
Cincinnati, Ohio 45242

Office of the U.S. Trustee
Howard Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114

Steven H. Patterson, Esq.
LERNER, SAMPSON & ROTHFUSS
P.O. Box 5480
Cincinnati, Ohio 45201-5480

Alexander V. Sarady Esq.
614 W. Superior Avenue, #950
Cleveland, Ohio 44113
mresar@ohiolegalclinic.com

Craig Shopneck, Trustee
BP Tower
200 Public Square, Suite 3860
Cleveland, OH 44114-2314

Mozella P. Thomas,
1473 East 109th Street
Cleveland, Ohio 44106